

THAILAND 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Thailand is a constitutional monarchy, with King Maha Vajiralongkorn Bodindradebayavarangkun (Rama X) as head of state. In 2019 the country held the first national election after five years of rule by a junta-led National Council for Peace and Order. The National Council-backed Phalang Pracharath Party and 18 supporting parties won a majority in the lower house and retained as prime minister National Council leader Prayut Chan-o-Cha, the leader of the 2014 coup and a retired army general. The election was generally peaceful with few reported irregularities, although a restrictive legal framework and selective enforcement of campaign regulations by the Election Commission favored Phalang Pracharath-aligned parties.

The Royal Thai Police and the Royal Thai Armed Forces share responsibility for law enforcement and the maintenance of order within the country. Police report to the Office of the Prime Minister; the armed forces report to the Ministry of Defense. The Border Patrol Police have special authority and responsibility in border areas to combat insurgent movements. Civilian authorities generally maintained control over security forces. There were reports that members of the security forces committed a variety of abuses.

Significant human rights issues included credible reports of: torture and cases of cruel, inhuman, or degrading treatment or punishment by government officials; arbitrary arrest and detention; political prisoners; political interference in the judiciary; arbitrary and unlawful interference with privacy; serious restrictions on freedom of expression and media, including arrests and prosecutions of those criticizing the government, censorship, and the use of *lèse majesté* and criminal libel laws; serious restrictions on internet freedom; interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement; restrictions on political participation; serious government corruption; harassment of domestic human rights organizations; lack of investigation of and accountability for gender-based violence; and significant restrictions on workers' freedom of association.

Authorities took some steps to investigate and punish officials who committed human rights abuses or engaged in corruption. Official impunity, however, continued to be a problem, especially in the southernmost provinces, where martial law remained in effect in Yala, Pattani, and Narathiwat Provinces and four districts of Songkhla while the deep-south emergency decree was in effect in all but nine districts in Yala, Pattani, and Narathiwat Provinces. In each of the nine districts where the emergency decree was lifted in 2011, internal security provisions of the law were subsequently invoked.

Insurgents in the southernmost provinces committed human rights abuses and made attacks on government security forces and civilian targets; authorities investigated and prosecuted such actions.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Unlike in previous years, there were no reports that the government or its agents committed arbitrary or unlawful killings.

There were reports of killings by both government and insurgent forces in connection with the conflict in the southernmost provinces (see section 1.g.).

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

On August 15, the Office of the Attorney General indicted four Kaeng Krachan National Park officials for the 2014 killing of Porlajee “Billy” Rakchongcharoen, a Karen-rights activist. The charges included illegal confinement, premeditated murder, and concealing the victim’s body, changing the status of the case from missing person to suspected murder.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or

Punishment, and Other Related Abuses

The constitution states, “Torture, acts of brutality, or punishment by cruel or inhumane means shall not be permitted”; however, there were credible reports government officials employed them. An emergency decree in effect in the southernmost provinces since 2005 effectively provides immunity from prosecution to security officers for actions committed during the performance of their duties. The emergency decree applied to all but nine districts in the three southernmost provinces: Si Sakhon, Su-ngai Kolok, Waeng, and Sukhirin in Narathiwat Province; Betong and Kabang in Yala Province; and Mai Kaen, Yaring, and Mae Lan in Pattani Province.

On October 25, the Prevention and Suppression of Torture and Enforced Disappearance Act went into effect, providing benchmarks to end impunity and criminalize torture and enforced disappearance. While some nongovernmental organizations (NGOs) expressed concern that the final version of the bill was weakened, opposition political parties and civil society generally considered the passage into law a significant achievement.

There were reports police abused and extorted prisoners and detainees, generally with impunity. Few complaints alleging police abuse resulted in punishment of alleged offenders, and there were numerous examples of investigations lasting years without resolution of alleged security force abuses.

Representatives of NGOs and legal entities reported police and military officers sometimes tortured and beat suspects to obtain confessions, and newspapers reported numerous cases of citizens accusing police and other security officers of brutality.

In August Lieutenant Kornsasi Bua-yam, a woman police officer in Ratchaburi Province, faced charges for enslaving a woman, age 30 (a former military officer) for two years. According to news reports, Bua-yam physically abused the former military officer, attacking her with an electric prod, burning and setting her hair on fire, and regularly beating her with large implements. As of October, a Senate panel was investigating the involvement of a senator who was reportedly in a relationship with Bua-yam.

Impunity in the security forces was a problem, especially in the southern provinces where martial law remained in effect. The Ministry of Defense requires service members to receive human rights training. Routine training occurred at various levels, including for officers, noncommissioned officers, enlisted personnel, and recruits. The Royal Thai Police requires all cadets at its national academy to complete a course in human rights law.

Prison and Detention Center Conditions

Conditions in prisons and various detention centers – including drug rehabilitation facilities and immigration detention centers (IDCs) where authorities detained undocumented migrants, refugees, asylum seekers, and foreign nationals who violated immigration laws – were poor and overcrowded. Child refugees and asylum seekers were detained in the IDCs or temporarily in local police stations, despite the government’s pledge to end or provide alternatives to detention. The Ministry of Justice’s Department of Corrections operated prisons, while the Royal Thai Police Immigration Bureau operated the IDCs.

Abusive Physical Conditions: Prison and detention-facility populations were larger than designed prison capacity. As of November authorities held 285,280 persons in prisons and detention facilities with a maximum designed capacity of 210,000 to 220,000 persons.

Observers reported inadequate medical care at many prisons; authorities at times transferred ill prisoners to provincial or state hospitals.

Conditions at the IDCs are not subject to many of the regulations that govern the regular prison system. NGOs, international organizations, and detainees at some IDCs reported overcrowding and unhealthy conditions such as poorly ventilated rooms, lack of outdoor time, lack of access to telephones or other means of communication, and inadequate medical care.

NGOs reported that authorities occasionally held men, women, and children together in police station cells, particularly in small or remote police stations, pending indictment or immigration processing. According to the UN High Commissioner for Refugees (UNHCR), as of August there were 21 persons holding valid UNHCR refugee or asylum-seeker status in detention.

Pretrial detainees constituted approximately 17 percent of the prison population. Prison officers did not segregate pretrial detainees from the general prison population. The government often held pretrial detainees under the emergency decree in the southernmost provinces in military camps or police stations rather than in prisons.

By law authorities may hold aliens without legal authorization to stay in the country, including refugees and asylum seekers or those who otherwise have violated immigration law, in the IDCs for years unless they are bailed out or pay a fine and the cost of their transportation home. Immigration authorities regularly placed older male children together with adult males rather than in facilities designated for families.

Administration: Authorities permitted prisoners or their representatives to submit complaints to ombudspersons but not directly to judicial authorities. The law allows prison authorities to examine the contents of complaints and petitions before sending them to outside organizations. Ombudspersons in turn may consider and investigate complaints and petitions received from prisoners and provide recommendations to the Department of Corrections, but they are not empowered to act on a prisoner's behalf, nor may they involve themselves in a case unless a person files an official complaint. Complaint and oversight mechanisms were not available to detainees in IDCs. NGOs reported complaints, especially by Muslim detainees in the IDCs, of inadequate halal food.

Independent Monitoring: The government facilitated monitoring of prisons by the National Human Rights Commission of Thailand, including meetings with prisoners without third parties present and repeat visits. According to human rights groups, no external or international inspection of the prison system occurred, including of military facilities such as Bangkok's 11th Military Circle.

Representatives of international organizations had limited access to detainees in the IDCs across the country for service delivery and resettlement processing, in part due to COVID-19-related restrictions. Access to individual IDCs varied from province to province.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements, although in practice there were arbitrary arrests and detentions in security and political cases.

The deep-south emergency decree that gives the government authority to detain persons without charge for a maximum of 30 days in unofficial places of detention remained in effect (see section 1.g.).

Provisions from the deep-south emergency decree make it very difficult to challenge a detention before a court. Under the decree, detainees have access to legal counsel, but there was no assurance of prompt access to counsel or family members, nor were there transparent safeguards against the mistreatment of detainees. Moreover, the decree effectively provides broadly based immunity from criminal, civil, and disciplinary liability for officials acting under its provisions.

On October 1, the government lifted the nationwide COVID-19-related emergency decree that had been renewed every month since March 2020. Critics claimed the decree was used as a pretext to arrest antigovernment protesters.

Arrest Procedures and Treatment of Detainees

The law requires police and military officers to obtain a warrant from a judge prior to making an arrest, and the courts tended to approve all requests for warrants. Martial law remained in effect in the deep south, however, allowing for a maximum seven days' detention without a warrant. By law authorities must inform persons of likely charges against them immediately after arrest and allow them to inform someone of their arrest.

The law provides for access to counsel for criminal detainees in both civilian and military courts, but lawyers and human rights groups claimed police sometimes conducted interrogations without providing access to an attorney.

The law provides defendants the right to request bail, and the government generally respected this right.

Arbitrary Arrest: Under the deep-south emergency decree, authorities may detain a person for a maximum of 30 days without charge (see section 1.g.).

On June 29, the Technology Crimes Suppression Division without a warrant arrested Thanapol Eawsakul, editor in chief of the political publishing house Same Sky, and charged him with “procuring information, documents, or anything kept secret for national security” and for violating the Computer Crimes Act.

According to news reports, the charge came after Thanapol shared on social media a National Security Council document that ordered surveillance of a former Thai ambassador turned prodemocracy activist and instructed officials to organize public events to show loyalty to the monarchy. Thanapol, whose offices were raided in January, was later released on bail (see section 2.a.).

Pretrial Detention: Lengthy pretrial detention was a problem, especially in sensitive political cases. During the year political detainees were denied bail by the court even though legal requirements for bail were met. Between May and July, the Southern Bangkok Criminal Court denied temporary release on bail seven times to two “Thaluwang” prodemocracy activists, Netiporn “Boong” Sanesangkhom and Natthanich “Bai Por” Duangmusit, stating they “might engage in activities or actions that can cause damage to the reputation of the institution of the monarchy.” They were granted bail on August 4, after 94 days in jail.

Lawyers raised concerns regarding the simultaneous use of laws applicable in national security cases that may result in lengthy detentions for insurgency-related suspects in the far southern part of the country.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and while the government generally respected judicial independence and impartiality, the constitution provides the government with power to intervene “regardless of its effects on the legislative, executive, or judiciary” to defend the country against national security threats. Human rights groups expressed concern regarding the use of the judicial process to punish government critics.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, except in certain cases involving national security, including lèse majesté cases.

Authorities did not always provide indigent defendants with counsel at public expense, and there were allegations authorities did not afford defendants their full rights during trials, especially in small or remote provinces. During the year there were reports that defendants were prohibited from meeting with their lawyer or from having family members or other trusted individuals observe their trial. At times the prosecutor, police, or court reportedly objected to defendants' request for evidence.

Political Prisoners and Detainees

As of December 1, the NGO Thai Lawyers for Human Rights estimated there were at least 16 political prisoners detained, mostly for online political expression and for participating in the 2020-21 student-led protest movement. Authorities permitted human rights organizations to access political detainees, and there were no reports that political prisoners were treated differently than other prisoners.

On April 28, Sombat Thongyoi, a former red shirt activist, was sentenced to six years in prison for lèse majesté and for violating the Computer Crimes Act. Sombat was charged after posting a screenshot of a news article that praised students from Thammasat University for refusing to attend a graduation ceremony where the king was to hand out certificates.

In November 2021 the Constitutional Court ruled three protest leaders who made speeches calling for political reforms intended to overthrow the state and the monarchy in violation of the constitution. From January to October, the Department of Corrections reported at least 74 persons were awaiting trial or imprisoned under laws that outlaw criticism of the monarchy (see section 2.a.). Human rights groups claimed the prosecutions and convictions of several lèse majesté offenders were politically motivated. In August NGOs reported that 210 persons – including 17 children – were charged under lèse majesté laws, mostly for online political expression and participation in antigovernment protests during

2020 and 2021.

Civil Judicial Procedures and Remedies

The law provides for access to courts and administrative bodies to sue for damages for, or cessation of, a human rights violation. The government generally respected this right, but the emergency decree in force in the southernmost provinces expressly excludes administrative court scrutiny or civil or criminal proceedings against government officials. Victims may seek compensation from a government agency instead.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution does not prohibit such actions. Security forces continued to use the deep-south emergency decree to conduct regular, warrantless searches in the southernmost provinces. Other legislation allowing the search and seizure of computers and computer data in cases where the defendant allegedly entered information into computer systems that is “likely to cause damage to the public,” is “false,” or is “distorted,” continued to be used extensively (see section 2.a.).

The government monitored social media and private communications, including mail and telephone, with limited oversight. Government agencies used surveillance technologies, including imported computer-monitoring software and telecommunications interception equipment. The country lacked accountability and transparency mechanisms for government surveillance. Some legislation exempts data from privacy safeguards that are otherwise stipulated in law, does not protect individual privacy, and provides broad powers to the government to access personal information without judicial review or other forms of oversight.

There were numerous reports of security forces harassing citizens who publicly criticized the government, including by visiting or surveilling their residences or places of employment. On March 19, a former Thammasat University rector and professor, Chanwit Kasetsiri, reported that four plainclothes security guards entered his apartment without permission and photographed his room. The security guards claimed they were tracking individuals affiliated with student

protest leaders.

In July a joint report by iLaw, Digital Reach, and Toronto-based Citizen Lab found that authorities used Pegasus spyware during 2020 and 2021 to target 30 prodemocracy leaders, human rights defenders, and academics who were openly critical of the government. In November 2021 Apple warned the activists that they had been targeted by spyware.

On July 14, a document listing activists and reporters covering prodemocracy protests who were on a police surveillance list was leaked. Personal details such as photographs, addresses, and social media accounts were included.

According to the NGO Duay Jai, forced DNA collection continued in the deep south. As of July, military personnel forcibly collected DNA from 107 suspects detained under the southern emergency decree and from 11 family members (who were not detained) of suspects, including one child.

g. Conflict-related Abuses

Internal violence continued in the ethnic Malay-Muslim-majority southernmost provinces. Frequent attacks by suspected insurgents and government security operations stoked tension between the local ethnic Malay-Muslim and ethnic Thai-Buddhist communities.

The emergency decree in effect in the southern border provinces of Yala, Pattani, and Narathiwat (except for nine exempted districts) provides military, police, and some civilian authorities significant powers to restrict some basic rights and delegates certain internal security powers to the armed forces; the decree also provides security forces broad immunity from prosecution. Moreover, martial law, imposed in 2006, remained in effect and significantly empowered security forces in the southernmost provinces.

Killings: There were no reports of government forces committing extrajudicial killings of persons suspected of involvement with the insurgency. According to the NGO Deep South Watch, as of June there were 50 raids by security forces, resulting in the deaths of seven suspected insurgents. Government officials insisted the suspects in each case resisted arrest, necessitating the use of deadly

force, a claim disputed by the families of the suspects and human rights groups. In July the NGO Duay Jai Group reported 14 individuals were killed in clashes with security forces during police raids.

According to Deep South Watch, as of June violence resulted in 59 deaths and 86 injuries in 238 incidents. As in previous years, suspected insurgents targeted government representatives, including district and municipal officials, military personnel, and police, with bombings and shootings.

On January 20, a combined police and military unit raided a house in Pattani following reports that insurgent suspects were hiding there. During the raid, two suspected insurgents were killed, and a military officer was injured.

On February 3, a combined police and military unit raided a house in a mosque in Songkha following reports that a group of insurgent suspects had been hiding there to prepare for attacks. A clash took place during the raid, killing three suspects and wounding one.

In August a series of firebomb attacks targeted gas stations and convenience stores in 17 separate locations in Pattani, Yala, and Narathiwat Provinces. Attackers hurled incendiary bombs at the targeted locations, damaging shops and vehicles. One death and seven injuries were reported.

On November 22, a car bomb detonated at a police housing compound in Narathiwat, killing a police captain and injuring 43 persons, including civilians.

Military service members who deployed in support of counterinsurgency operations in the southernmost provinces continued to receive specific human rights training, including training for detailed, situation-specific contingencies.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media. This right, however, was restricted by laws and

government actions. For example, the government imposed legal restrictions on criticism of the government and monarchy, harassed antigovernment critics, monitored media and the internet, and blocked websites.

Freedom of Expression: The lèse majesté prohibition makes it a crime, punishable by a minimum of three years' and a maximum of 15 years' imprisonment for each offense, to criticize, insult, or threaten the king, queen, royal heir apparent, or regent. The law also allows citizens to file lèse majesté complaints against one another.

On July 28, Chinnawat Chankrachang was charged with lèse majesté for a speech he made in 2020 in front of the Bangkok South Criminal Court demanding bail for political detainees.

On September 12, the Bangkok Criminal Court convicted Jatuporn "New" Sae-Ung of lèse majesté and sentenced her to a fine and two years in prison. She was accused of wearing a traditional Thai dress to mock the queen at a protest in 2020.

As of October lèse majesté charges were filed against 210 individuals in 228 cases. Those so charged often also faced other charges, including for sedition and violating the COVID-19 emergency decree.

Violence and Harassment: In January journalists working for prodemocracy outlets such as Live Real and Friends Talk, and Voice TV host Sirote Klampaiboon reported police harassment and surveillance, including harassment of their family members.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government owned all spectrum used in media broadcast and leased it to private media operators, allowing the government to exert indirect influence on the media landscape. Laws allow the National Broadcasting and Telecommunications Commission to suspend or revoke the licenses of radio or television operators broadcasting content deemed false, defamatory to the monarchy, harmful to national security, or unnecessarily critical of the government. Authorities monitored media content from all media sources, including international press. Local practice leaned toward self-censorship, particularly regarding anything that might be critical of the monarchy or members

of the royal family.

The deep-south emergency decree empowers the government “to prohibit publication and distribution of news and information that may cause the people to panic or with an intention to distort information.” It also authorizes the government to censor news it considers a threat to national security.

On July 18, journalist Paradorn Ketphuak was charged with contempt of court for live streaming commentary after lawyers filed a bail request for members of Thaluwang, a monarchy reform activist group. Paradorn said he was not aware of any restriction on providing commentary as he had live streamed from court many times. His case was pending as of October.

Libel/Slander Laws: In addition to lèse majesté laws, defamation is a criminal offense punishable by a fine and two years’ imprisonment. Military and business figures filed criminal defamation and libel cases against political and environmental activists, human rights defenders, journalists, and politicians.

In August Gulf Energy Development sued opposition member of parliament Rangsiman Rome for presenting distorted information that caused damages to the company. The accusation stemmed from a September 2021 censure debate in parliament, when Rangsiman accused Digital Economy and Society Minister Chaiwut Thanakmanusorn of using his position to benefit the company.

National Security: Various orders issued by the National Council for Peace and Order (NCPO) junta continued to provide authorities the right to restrict distribution of material deemed to threaten national security.

In January, 30 police officers raided the Same Sky publishing house in search of a book by jailed activist Arnon Nampa. Police claimed the book, a collection of 2020 protest speeches on monarchy reform, was a threat to national security. While they did not find the book, they seized mobile phones and computers belonging to editor Thanapol Eawsakul. The publishing house was known for its political analysis and commentary, and it published content critical of the monarchy.

Nongovernmental Impact: On April 23, independent photojournalist Natthaphon

Phanphongsanon was approached by four men during a monarchy-reform protest. After asking if he was a journalist and demanding to see his mobile phone, the assailants attacked him with batons. The incident was captured on closed-circuit television and was shared widely. The attackers were identified as members of a radical right-wing group called Protection Thai Monarchy.

Internet Freedom

The government continued to restrict online content and penalize those who criticized the monarchy or shared information deemed false regarding the spread of COVID-19. The government also monitored social media and private communications for what it considered false content and “fake news.” There were reports that the government monitored private online communications without appropriate legal authority.

By law the government may impose a maximum five-year prison sentence and a substantial fine for posting on the internet false content found to undermine public security, cause public panic, or harm others, based on vague definitions. The law also obliges internet service providers to preserve all user records for 90 days in case authorities wish to access them. Any service provider that gives consent to or intentionally supports the publishing of illegal content is also liable to punishment. By law authorities must obtain a court order to ban a website, although officials did not always respect this requirement.

The Ministry of Digital Economy and Society requires internet service providers and social media platforms such as Clubhouse and Telegram to collect and keep user data for government to access if requested, including user identities, user activity, records of attempts to access systems, accessed files, and transaction records.

Although individuals and groups generally were able to engage in peaceful expression of views via the internet, there were numerous restrictions on content. Civil society reported the government used prosecution or the threat of prosecution as a tool to suppress speech online. Authorities targeted for prosecution individuals posting a range of social media commentary including criticism of the government’s operations, reporting on government scandals, lèse majesté, and

warning of government surveillance. For example, in April, political activist Ekachai Hongkangwan was convicted and sentenced to one year in prison for posting about his sex life while in prison in 2017, as well as detailing crowded, unsanitary conditions in a Bangkok prison.

The government closely monitored and blocked websites and social media posts and accounts critical of the monarchy. Newspapers restricted access to their public-comment sections to minimize exposure to possible *lèse majesté* or defamation charges. The National Broadcasting and Telecommunications Commission also lobbied foreign internet content creators and service providers to remove or censor *lèse majesté* content. The law gives the Ministry of Digital Economy and Society authority to request and enforce the removal of information disseminated via the internet.

In January the Ministry of Digital Economy and Society took legal action against 19 social media sites that violated the Computer Crimes Act between December 27, 2021, and January 2. The court ordered the suspension or removal of 50 other sites due to content related to national security.

Restrictions on Academic Freedom and Cultural Events

University authorities, civil society groups, and media reported the regular presence of security personnel on campus, monitoring lectures and attending student political events or rallies. There were reports of authorities arresting students for exercising freedom of expression, although these arrests generally occurred off campus and few resulted in formal charges. Universities reported self-censorship; with continued virtual classes, more academics reported fear of security personnel monitoring their instruction, leading to greater self-censorship.

In 2021 the NGO iLaw reported 79 cases of harassment of high school and university students, both by police and school administrators, in schools across the country.

Large universities, including Kasetsart, Silpakorn, Srinakharinwirot, and Chulalongkorn Universities, generally allowed use of campuses for protests if the students received permission beforehand. Many high schools and universities, however, explicitly forbade protests calling for reform of the monarchy.

On June 30, political artist Thorpat Atanan was arrested and charged with lèse majesté and violation of the Computer Crimes Act for posting artwork deemed critical of the monarchy. According to NGO reports, police apprehended Thorpat without a warrant and confiscated her computer, art supplies, and a mobile phone. She was released on bail and required to report to police every 15 days.

On July 9, the criminal court ruled in favor of the government's request to block access to a YouTube video by political rap group Rap Against Dictatorship, agreeing with the government's assertion that the song criticized the monarchy and the prime minister.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association. The government continued to charge protesters under the COVID-19 emergency decree, sedition and lèse majesté legislation, and other laws. Critics alleged that the arrests constituted restrictions on freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution grants the freedom to assemble peacefully, subject to restrictions enacted to "protect public interest, peace and order, or good morals, or to protect the rights and liberties of others." The government did not respect this right and continued to prosecute prodemocracy activists and others for leading peaceful protests. The NGO Mob Data Thailand reported that 515 demonstrations occurred across the country between January and August.

On January 20, police raided the office of prodemocracy group the Democracy Restoration Group (DRG) and arrested a Thammasat University student for sedition and violating the Computer Crimes Act for posting calls to join monarchy-reform protests in July and August 2021.

On November 18, prodemocracy groups staged protests during the Asia-Pacific Economic Cooperation regional economic forum, leading to clashes with police that resulted in the arrest of 25 persons and 32 injuries, including one individual who lost his eyesight after he was shot with a rubber bullet.

Freedom of Association

The constitution grants individuals the right to free association subject to restrictions by law enacted to “protect public interest, peace and order, or good morals.”

The law prohibits the registration of a political party with the same name or logo as a legally dissolved party.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; the government enforced some exceptions for “maintaining the security of the state, public order, public welfare, town and country planning, or youth welfare.”

In-country Movement: The government restricted the internal movement of members of hill tribes and members of other minority groups who were not citizens but held government-issued identity cards, including those registered as stateless persons. Authorities prohibited holders of such cards from traveling outside their home provinces without a travel pass approved by the district chief. Offenders are subject to fines or a jail term of 45 to 60 days. Persons without cards may not travel at all. Human rights organizations reported that police at inland checkpoints often asked for bribes in exchange for allowing stateless persons to move from one province to another.

Foreign Travel: Local authorities required resident noncitizens, including thousands of ethnic Shan and other non-hill-tribe minority group members, to seek permission from the permanent secretary of the Ministry of Interior for foreign travel.

e. Protection of Refugees

The government generally cooperated with UNHCR, the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern, although with many restrictions.

The country hosted more than 100,000 refugees and asylum seekers and generally provided protection against forced returns. International observers were not granted access to some persons newly displaced by fighting or other violence in Burma. As a result, UNHCR and NGOs were unable to determine whether the returns of these groups were voluntary. Authorities permitted refugees and asylum seekers to resettle to third countries.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has no system for providing legal protection to refugees. The government continued to work with refugee advocates on implementing a National Screening Mechanism for individuals seeking international protection.

UNHCR's ability to provide protection to some groups of refugees outside the official camps was limited. Its access to asylum seekers in the IDCs to conduct status interviews and monitor new arrivals varied throughout the year, in part due to COVID-19-related restrictions on visiting the IDCs. Authorities allowed resettlement countries to conduct processing activities in the IDCs and humanitarian organizations to provide health care, nutritional support, and other humanitarian assistance. Access to specific asylum-seeker populations varied, reportedly depending on the preferences of each IDC chief, as well as central government policies restricting UNHCR and NGO access to certain politically sensitive groups.

The government periodically allowed UNHCR to monitor the protection status of approximately 91,000 Burmese refugees and asylum seekers living in nine camps along the border with Burma.

The government facilitated third-country refugee resettlement or private sponsorship to multiple countries for nearly 900 Burmese refugees from the camps.

Refugees residing in the nine camps along the border with Burma who were not registered with the government were ineligible for third-country resettlement. The government's effort to return to Burma registered camp residents who elected to participate in a voluntary repatriation program remained on pause during the year due to COVID-19 and the February 2021 coup in Burma.

Refoulement: Persons from Burma, if arrested without refugee status or legal permission to be in the country, were escorted back to the Burmese border. Authorities sometimes provided preferential treatment to members of certain Burmese ethnic minority groups, allowing them greater leeway to remain in Thailand without formal authorization.

Abuse of Migrants and Refugees: The government continued to permit registered Burmese refugees in nine camps along the border with Burma to remain in the country temporarily and continued to refer to these refugee camps as "temporary shelters" even though they had operated for decades. Authorities continued to treat all refugees and asylum seekers outside these camps without valid visas or other immigration permits as illegal migrants. Persons categorized as illegal migrants were subject to arrest, detention, and deportation. In cities authorities permitted bail only for certain categories of detained refugees and asylum seekers, such as women, mothers, children, and persons with medical conditions. Immigration authorities relaxed restrictions on bail in 2021 after multiple outbreaks of COVID-19 in the IDCs. Authorities applied the criteria for allowing bail inconsistently, however, and NGOs, refugees, and asylum seekers reported numerous instances of immigration authorities demanding bribes in connection with requests for bail.

Humanitarian organizations reported concerns that migrants, refugees, and asylum seekers faced overcrowded conditions, lack of exercise opportunities, limited freedom of movement, lack of access to telephones and other means of communication, lack of sufficient health care, and abusive treatment by authorities in the IDCs.

As part of an overall policy to reduce the number of illegal immigrants and visa overstayers in the country, immigration police in Bangkok sometimes arrested and detained asylum seekers and refugees, including women and children.

Freedom of Movement: Refugees residing in the nine refugee camps on the border with Burma had no freedom of movement outside their camps. Humanitarian organizations reported that authorities, citing the need to prevent COVID-19, more strictly controlled movement of refugees in and out of the camps during the year. A refugee apprehended outside the official camps is subject to possible harassment, fines, detention, deregistration, and deportation. Authorities sometimes allowed camp residents limited travel outside of the camps for purposes such as medical care, travel to other camps, and education and training.

For certain foreign victims of trafficking, including Rohingya refugees, the law permits the issuance of temporary stay permits while trafficking investigations are underway. Most such victims, however, were restricted to remaining in closed, government-run shelters with some limits on freedom of movement.

Refugees and asylum seekers were not eligible to participate in the official nationality verification process, which allows migrant workers from Burma, Cambodia, and Laos with verified nationality and passports to travel throughout the country.

Employment: The law prohibits refugees recognized by UNHCR from working in the country. The government allowed undocumented migrant workers from Burma, Cambodia, and Laos to work legally in certain economic sectors if they registered with authorities and followed a prescribed process to document their status (see section 7.d.). The law allows victims of trafficking and witnesses who cooperate with pending court cases to work legally during their trial and up to two years (with possible extensions) after the end of their trial involvement. Work permits must be linked to a specific employer. For certain foreign victims of trafficking, the government did not identify suitable employment opportunities for the issuance of work permits, citing a lack of local opportunities and immigration policy considerations. Registration, medical checkup, and health-insurance fees remained a deterrent for prospective employers of victims of trafficking.

Access to Basic Services: The international community provided basic services for refugees living inside the nine camps on the border with Burma. For needs beyond primary care, a medical referral system allows refugees to seek other necessary medical services. For the urban refugee and asylum-seeker population

living in and around Bangkok, access to government-funded basic health services was minimal. NGOs funded in part by the international community provided or facilitated primary and mental health-care services and legal assistance. A UNHCR-led health panel coordinated referrals of the most urgent medical cases to local hospitals. The government provided free COVID-19 testing and treatment to all individuals, including refugees and migrants.

By law government schools must admit children of any legal status who can speak, read, and write Thai with some degree of proficiency, including refugee children. NGOs reported access to education for refugee children varied from school to school and often depended on the preferences of individual school administrators. Some refugee communities formed their own unofficial schools to provide education for their children. Others sought to learn Thai with support from UNHCR and other NGOs to prepare for admission to government schools. Since Burmese refugee children living in the camps generally did not have access to the government education system, NGOs continued to support camp-based community organizations in providing educational opportunities, and some were able to coordinate partially their curriculum with the Ministry of Education.

Temporary Protection: Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee status. The government continued to protect from deportation the majority of Rohingya refugees detained by authorities, including those who arrived in the country irregularly during the mass movement in the Bay of Bengal and Andaman Sea in 2015. The government continued to conduct preliminary screenings of Rohingya migrants apprehended transiting Thailand for indicators of trafficking, although this policy was applied unevenly. As of September authorities had not identified any Rohingya as victims of trafficking. Authorities determined 74 individuals were illegal migrants but placed 30 mothers and children into shelters run by the Ministry of Social Development and Human Security as an alternative to detention in the IDCs. Other Rohingya determined to be illegal migrants were placed in the IDCs. UNHCR had access to the provincial shelters while authorities conducted formal screenings of the migrants' eligibility for benefits as victims of trafficking. These Rohingya migrants, however, were in most cases confined to shelters without freedom of movement or access to work permits.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

The country contributes to statelessness, including through discrimination on some grounds and birth registration criteria.

The government continued to identify stateless persons, provide documentation to preclude statelessness, and open paths to citizenship for certain longtime residents and students. As of June an estimated 567,000 persons, mainly residing in the northern region, were registered as stateless persons by the government, including members of ethnic minority groups registered with civil authorities and previously undocumented persons. From January to June 2021, the government granted citizenship to 2,740 stateless persons and permanent residency to 260 others. Government officials acknowledged that these statistics fell short of their goal to reduce statelessness for 14,000 individuals from October 2020 to September 2021 and cited COVID-19 restrictions and resource-intensive fraud investigations as the primary reason for slower processing. Authorities excluded Rohingya and Muslims from Burma, including individuals whose families had lived in Mae Sot near the Burmese border for multiple generations, from the statelessness recognition process. Without legal status, unregistered and undocumented stateless persons were particularly vulnerable to various forms of abuse including threat of deportation (see section 6, Children and Indigenous Peoples).

Birth within the country does not automatically confer citizenship. The law grants citizenship at birth to children with at least one citizen parent. Individuals may also acquire citizenship by means of special government-designated criteria implemented by the Ministry of Interior with approval from the cabinet or in accordance with nationality law (see section 6, Children). Ethnic Thai stateless persons and their children who meet the added definition of “displaced Thai” may apply for the status of “Thai nationality by birth.”

By law stateless members of hill tribes may not vote, and their travel is restricted to their home province. As noncitizens, they are unable to own land. Stateless

persons are legally permitted to work in any occupation, but licenses for certain professions (including doctors, engineers, and lawyers) are provided only to citizens. Stateless persons had difficulty accessing credit and government services, such as health care. The law permits undocumented migrant and stateless children to enroll in schools alongside Thai national children, although access to education was uneven. There were reports that school administrators placed the term “non-Thai citizen” on these students’ high school certificates, severely limiting their economic opportunities. Stateless persons were permitted to enroll in tertiary education but did not have access to government educational loans.

Humanitarian organizations reported that village heads and district officials routinely demanded bribes from stateless persons to process their applications for official registration as stateless persons or to obtain permanent residency or citizenship. Police also demanded bribes from stateless persons at inland checkpoints in exchange for allowing them to move from one province to another.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held national elections in March 2019, following five years of military rule. The campaign was mostly peaceful, with many political parties competing for seats and conducting political rallies for the first time in five years. A restrictive legal framework and selective enforcement of campaign regulations by the Election Commission, however, affected the outcome in favor of the parties aligned with the Phalang Pracharath Party. In July 2019, Prayut Chan-o-Cha’s cabinet was sworn in, officially disbanding the junta NCPO.

There were few reports of election irregularities during the 2019 national elections, although there were reports of vote buying by both government and opposition parties. The NGO Asian Network for Free Elections – the only international organization allowed by the government to observe the election – noted many

positive aspects of the election, including high voter turnout, free access to the polls, and peaceful conditions during the campaign and on election day. Due to a restrictive and biased legal framework and lack of transparency by the Election Commission, however, the Asian Network for Free Elections assessed the election was “partly free, not fair.”

On May 22, the government held Bangkok gubernatorial elections for the first time since 2014. Chadchart Sittipunt, who was one of opposition Pheu Thai Party’s three potential prime ministerial candidates in the previous general election in 2019 but ran as a prodemocracy independent, won decisively with more than 50 percent of the vote against numerous competitors. The election was considered free and fair.

Political Parties and Political Participation: Critics complained that police and courts unfairly targeted opposition parties for legal action. In April 2021, two members of the Thai Pakdee Party filed a lawsuit against Thanathorn Juangroongruangkit, the leader of the now dissolved Future Forward Party (FFP) and another former FFP leader, Pannikar Wanich, accusing them of mismanaging a COVID-19 assistance fund. Thanathorn and other former FFP leaders remained under indictment in more than 20 other cases, many of which carry potential prison sentences. Prodemocracy activists alleged the 2020 judicial decision to dissolve the FFP was politically motivated.

Participation of Women and Members of Minority Groups: No law limits participation of women and members minority groups in the political process; however, women’s participation was limited due to gender discrimination. There were 76 women members of parliament in the elected lower house out of 487 members and 26 women senators out of 250 members. There were four women in the 35-member cabinet, all in deputy minister positions. There were four lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals in parliament and one member of the Hmong ethnic group.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. Officials

sometimes engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: In August the deputy secretary-general of the National Anti-Corruption Commission, Prayad Puangchampa, was dismissed from service after he was found to have amassed without explanation 658 million baht (\$19 million) in assets, mostly in overseas accounts.

On September 5, Deputy Interior Minister Nipon Bunyamanee resigned. Nipon faced trial in the Criminal Court for Corruption and Misconduct Cases on a charge of malfeasance for refusing to pay approximately 52 million baht (\$1.5 million) to Ponlavit Tech Plus Company for the purchase of two multipurpose trucks while he was president of Songkhla Provincial Administrative Organization in 2013.

Petty corruption and bribetaking were widespread among police, who were required to purchase their own uniforms and weapons. In April, four police officers from Samut Sakhon Province were dismissed after allegedly selling informal “residency cards” (cards showing the holder had paid off corrupt police) to trafficked Burmese migrants. The corrupt police required migrant workers to pay a monthly fee of 500 baht (\$14) and carry the cards everywhere to avoid arrest.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights organizations operated in the country. NGOs that dealt with sensitive political matters, such as political reform or opposition to government-sponsored development projects, faced periodic harassment.

Retribution against Human Rights Defenders (HRDs): In November 2021 the prime minister announced an investigation into Amnesty International for its support of antigovernment activists and its critical statement on the Constitutional Court ruling that three protest leaders calling for political reforms intended to overthrow the state and monarchy (see section 2.e., Political Prisoners and Detainees). As of October, the investigation was pending.

Human rights workers focusing on violence in the southernmost provinces were particularly vulnerable to harassment and intimidation by government agents and insurgent groups.

Government Human Rights Bodies: The independent National Human Rights Commission of Thailand has a mission to protect human rights and to produce an annual country report. Human rights groups continued to criticize the commission for not filing lawsuits against human rights abusers on its own behalf or on behalf of complainants. The Office of the Ombudsman is an independent agency empowered to consider and investigate complaints filed by any citizen. Following an investigation, the office may refer a case to a court for further review or provide recommendations for further action to the appropriate agency. The office examines all petitions, but it may not compel agencies to comply with its recommendations.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of men and women is illegal, although the government did not always enforce the law effectively. The law narrowly defines rape as acts in which male sex organs were used to physically violate survivors, thereby leaving those assaulted by perpetrators in other ways without legal remedies. The law permits authorities to prosecute spousal rape, and prosecutions occurred. The law specifies penalties for rape or forcible sexual assault ranging from four years' imprisonment to the death penalty as well as fines.

NGOs said rape was a serious problem and that victims underreported rapes and domestic assaults, in part due to a lack of understanding by authorities that impeded effective implementation of the law regarding violence against women.

According to NGOs, agencies tasked with addressing the problem were underfunded, and victims often perceived police as incapable of bringing perpetrators to justice.

In April former deputy Democratic Party leader Prinn Panitchpakdi resigned following allegations by a woman, age 18, of sexual assault. After reports of the

allegation were made public, more women came forward to file complaints against Prinn; during the year a total of 16 sexual misconduct cases were filed against Prinn, although according to police the statute of limitations had expired on three cases and some of the alleged offenses took place outside the country.

In July a Bangkok city councilor from the opposition Move Forward Party, Arnuparb Tarntong, was arrested for sexually assaulting four teenage girls on July 11; he was released from custody on bail and resigned from the Move Forward Party but continued to serve as a city councilor. At the end of the year there were no pending criminal charges or investigation into either the Panitchpakdi or Tarntong cases.

On August 24, a male soldier entered the residence of a female soldier in Kanchanaburi Province after learning that her husband was not home. The soldier allegedly tried to rape her, biting her, removing her pants, and touching her private parts. The woman was only able to stop his assault by claiming she was menstruating. The woman reported the attempted rape to police, who refused to file a complaint and reportedly told her to report the incident to her supervisory military officer; the supervisor's response was she should not damage the reputation of the military with her allegations. The woman finally reached out to a social media influencer to share her story, resulting in the male soldier's dismissal after the incident was publicized.

Domestic violence against women was a significant problem. The Ministry of Public Health operated one-stop crisis centers to provide information and services to victims of physical and sexual violence throughout the country. The law establishes measures designed to facilitate both the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Moreover, the law restricts media reporting on domestic-violence cases in the judicial system. NGOs expressed concern that the law's family unity approach put undue pressure on a victim to compromise without addressing safety problems and led to a low conviction rate.

Authorities prosecuted some domestic-violence crimes under provisions for assault or violence against a person, where they could seek harsher penalties. The government operated shelters for domestic-violence victims, one in each province.

The government's crisis centers, located in all state-run hospitals, cared for abused women and children.

Female Genital Mutilation/Cutting (FGM/C): No specific law prohibits this practice. NGOs and international media reported Type IV FGM/C occurred in the Muslim-majority south, although statistics were unavailable. There were no reports of governmental efforts to prevent or address the practice.

Sexual Harassment: Sexual harassment is illegal in both the public and private sectors. The law specifies a fine and a jail term of one month for sexual harassment, while abuse categorized as an indecent act may result in a fine and a maximum 15 years' imprisonment. Sexual harassment in the workplace may be punished by modest fines. The law governing the civil service also prohibits sexual harassment and stipulates five levels of punishment: probation, docked wages, salary reduction, suspension, and termination. NGOs claimed the legal definition of harassment was vague and prosecution of harassment claims difficult, leading to ineffective enforcement of the law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. (See the Female Genital Mutilation/Cutting subsection for additional information.)

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception. No law prevents access to sexual and reproductive health services and contraceptives, although noncitizens or stateless persons were ineligible for government-funded services.

Discrimination: The constitution provides that "men and women shall enjoy equal rights and liberties. Unjust discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or political view, shall not be permitted." The government generally enforced the law effectively.

Human rights advocates expressed concern regarding lengthy delays in reviewing individual discrimination complaints and a lack of awareness among the public and within the ministry's provincial offices.

Women generally enjoyed the same legal status and rights as men but sometimes experienced discrimination, particularly in employment. The law imposes a maximum jail term of six months, a fine, or both for anyone convicted of gender discrimination. The law mandates nondiscrimination based on gender and sexual identity in policy, rule, regulation, notification, project, or procedure by government, private organizations, and any individual, but it also stipulates two exceptions criticized by civil society groups: religious principles and national security.

Women were unable to confer citizenship to noncitizen spouses in the same way as male citizens.

Women comprised approximately 12 percent of the country's military personnel. Ministry of Defense policy limits the percentage of women officers to not more than 25 percent in most units, with specialized hospital or medical, budgetary, and finance units permitted 35 percent. Military academies (except for the nursing academy) refused admission to women students, although a significant number of instructors were women.

Women are barred from applying to the police academy; the Royal Thai Police continued to list "being a male" as a requirement in an employment announcement for police investigators and other positions.

Systemic Racial or Ethnic Violence and Discrimination

The constitution includes provisions aimed at protecting the traditional culture and way of life for ethnic minorities, and it stipulates all persons are equal before the law, including having the right to equal protection. The government did not enforce these provisions effectively. During the year there were reports of violence and discrimination against members of ethnic minority groups.

Indigenous Peoples

Stateless members (approximately 50 percent) of hill tribes faced restrictions on their movement, were not permitted to own land, had difficulty accessing bank credit, and faced discrimination in employment. Although labor law gives them the right to equal treatment as employees, employers often violated those rights by

paying them less than their citizen coworkers and less than minimum wage. The law further bars them from government welfare services but affords them limited access to government-subsidized medical treatment.

The law provides citizenship eligibility to members of certain categories of hill tribes who were not previously eligible (see section 2.g.). The government supported efforts to register citizens and educate eligible hill-tribe members regarding their rights.

On September 5, Hmong Doi Mon Jam villagers marched from a mountainous town in the Mae Rim District of Chiang Mai Province to the Chiang Mai City Hall to petition the provincial governor to stop the planned demolition of five homesteads by the Royal Forest Department. Officials claimed villagers built their houses in a watershed conservation area and that five homestay accommodations were to be demolished, as these businesses violated the Forest Act by not using the land for its intended purposes.

Children

Birth Registration: Citizenship is conferred at birth if at least one parent is a citizen. Birth within the country does not automatically confer citizenship, but regulations entitle all children born in the country to birth registration, which qualifies them for certain government benefits regardless of citizenship (see section 2.g.). The law stipulates that every child born in the country receive an official birth certificate regardless of the parents' legal status. In remote areas some parents did not obtain birth certificates for their children due to administrative complexities and a lack of recognition of the importance of the document. In the case of hill-tribe members and other stateless persons, NGOs reported that misinformed or unscrupulous local officials, language barriers, and restricted mobility made it difficult to register births.

Child Abuse: The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. The penalties for raping a child younger than age 15 range from four to 20 years' imprisonment and fines. Those convicted of abandoning a child younger than age nine are subject to a jail term of three years, a fine, or both. The law provides for

protection of witnesses, victims, and offenders younger than age 18 in abuse and pedophilia cases. Advocacy groups stated police often ignored or avoided child abuse cases.

Child, Early, and Forced Marriage: The minimum legal age for marriage for both sexes is 17, while anyone younger than 20 requires parental consent. A court may grant permission for children younger than 17 to marry.

In the Muslim-majority southernmost provinces, Islamic law used for family matters and inheritance allows the marriage of young girls after their first menstrual cycle with parental approval. While the minimum legal age to marry is 17, a Muslim younger than 17 may marry with a written court order or written parental consent, which is considered by a special subcommittee of three members, including at least one woman, all with knowledge of Islamic law.

Sexual Exploitation of Children: The minimum age for consensual sex is 15. The law provides penalties for persons who procure, lure, compel, or threaten children younger than 18 for the purpose of commercial sexual exploitation, with higher penalties for persons who purchase sexual intercourse with a child younger than 15. Authorities may punish and revoke parental rights of parents who allow a child to be sexually exploited. The law prohibits the production, distribution, import, or export of child pornography. The law also imposes heavy penalties for sexually exploiting persons younger than 18, including for pimping, trafficking, and other sexual crimes against children. Penalties range from five years to life in prison and a fine.

Government enforcement of laws against commercial sexual exploitation of children and child pornography was inconsistent. Child sex trafficking remained a problem. The country continued to be a destination for child sex tourism, and there were cases of online sexual exploitation of children; following the outbreak of the COVID-19 pandemic, child sex tourism reportedly decreased. Children from migrant populations, ethnic minority groups, and poor families remained particularly vulnerable, and police arrested parents who forced their children into commercial sexual exploitation. Residents and foreign sex tourists committed pedophilia crimes, including child sex trafficking and production and distribution of child pornography.

The Thai Internet Crimes Against Children Task Force, a police unit with 17 officers, received more than 260,000 tips from NGOs in 2020 based abroad on potential cases of child sexual exploitation, a significant increase compared with approximately 117,000 tips received in 2019. The task force investigated 79 cases of internet crimes against children in 2021 (94 in 2020), including 11 cases of internet-facilitated child sex trafficking (22 in 2020).

There were numerous reports of rape and sexual harassment of girls in school environments. On July 26, police arrested and charged nine men, including a retired teacher, two primary school teachers and one high school teacher, a child welfare worker, and a university lecturer, as part of a police operation against child sexual exploitation in Kalasin Province. The men were charged with enticing girls under age 18 into lewd activity without consent, and depriving girls ages 15 to 18 of parental care for commercial and sexual purposes.

Displaced Children: Authorities generally referred street children to government shelters located in each province, but foreign undocumented migrants avoided the shelters due to fear of deportation. In 2020 the government estimated there were 20,000 street children who sought shelter nationwide, 5,000 of whom received assistance from the government or private organizations. The NGO Foundation for the Better Life of Children reported approximately 50,000 children were living on the streets, 30,000 of them foreign born. The government generally sent citizen street children to school, occupational training centers, or back to their families with social worker supervision. The government repatriated some street children who came from other countries.

Antisemitism

The resident Jewish community is very small, and there were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on

Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalizes expression of sexual orientation or consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: The LGBTQI+ community reported that police treated LGBTQI+ victims of crime the same as other persons except in the case of sexual crimes, where there was a tendency to downplay sexual abuse or not to take harassment seriously.

Discrimination: The law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, and recognizes LGBTQI+ individuals, couples, and their families. The law mandating gender equality prohibits discrimination “due to the fact that the person is male or female or of a different appearance from his or her own sex by birth” and protects transgender students from discrimination. The UN Development Program and NGOs reported that LGBTQI+ persons experienced discrimination, particularly in rural areas. The UN Development Program also reported media represented LGBTQI+ persons in stereotypical and harmful ways resulting in discrimination.

NGOs and the United Nations reported transgender persons faced discrimination in various sectors, including in the military conscription process, while in detention, and in education because of strict policies in place at most schools and universities that require students to wear uniforms that align with their biological gender. LGBTQI+ persons faced discrimination in the workplace (see section 7.d.).

Availability of Legal Gender Recognition: The law does not permit transgender persons to change their gender on identification documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were reports that government agencies attempted to force so-called conversion therapy on LGBTQI+ persons, especially children and juveniles. LGBTQI+ students were reportedly punished or bullied by teachers. Some individuals born male were forced to join military training or join

the monkhood, despite how they identified. Some individuals born female faced “corrective” rape or forced childbirth. According to Intersex Thailand, some intersex persons were subjected to irreversible nonconsensual genital surgeries. According to Marriage Equality Network, in most cases, so-called conversion therapy was forced on LGBTQI+ persons by their family or religious community.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

No such restrictions on LGBTQI+ individuals or topics were reported.

Persons with Disabilities

Persons with disabilities were not able to access education, health services, public buildings, or transportation on an equal basis with others. The law mandates persons with disabilities have access to information, communications, and newly constructed buildings, but authorities did not uniformly enforce these provisions.

The government maintained dozens of separate schools and educational centers for children with disabilities and operated occupational and career development centers for adults with disabilities. The law requires all government schools nationwide to accept students with disabilities, and most schools taught students with disabilities during the year. Children with disabilities had a 20 percent lower attendance rate than those without disabilities, mostly due to economic barriers. Children with visual impairments had a higher attendance rate than children with other disabilities.

Organizations for persons with disabilities reported difficulty in accessing information concerning a range of public services, and accessibility for services varied between urban and rural centers. Civil society organizations expressed concern over the lack of resources and legal options available to women with disabilities who were survivors of gender-based violence. For example, in some cases deaf and hard-of-hearing women were not able to communicate with police about their attackers because police did not know local sign language, and blind women who could not describe their attackers were not taken seriously.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides that a person shall enjoy the liberty to unite and form an association, cooperative, union, organization, community, or any other group. The law provides for the right of workers in certain private-sector and state-owned enterprises (SOEs) to form and join independent trade unions. Civil servants may assemble as a group, provided that such assembly does not affect the efficiency of national administration and continuity of public services and does not have a political objective. The law provides a framework for binding collective bargaining for private sector, but not for civil servants. The law, which provides for the right to strike, was suspended by a 2020 Ministry of Labor decree until October 1, when the decree was lifted.

By law only workers with the same employer or in the same industry may form a union. Subcontract workers, even if doing the same job as permanent workers in the same factory, may not join the same union because they are classified as belonging to the service industry, while full-time workers come under the manufacturing industry. The inability of subcontract and full-time workers to join the same union limited the unions' ability to bargain collectively as a larger group. In addition, short-term contract workers were less likely to join unions, fearing antiunion retaliation in the form of nonrenewal of their contracts. Labor advocates claimed that many companies hired subcontract workers to undermine unionization efforts.

The law does not protect union members against antiunion discrimination by employers until their union is registered. To register a union, at least 10 workers must submit their names to the Department of Labor Protection and Welfare within the Ministry of Labor. The verification process for vetting the names and employment status with the employer exposed the workers to potential retaliation before registration was complete. Moreover, the law requires that union officials be full-time employees of the company or SOE and prohibits permanent union staff. In SOEs, the law allows only one union per enterprise, and if an SOE union's membership falls below 25 percent of the eligible workforce, regulations require dissolution of the union. The law restricts formal links between unions of

SOEs and their private-sector counterparts because they are governed by two separate statutes. SOEs operated in various sectors of the economy: banking, rail and air transportation, airports, marine ports, and postal services.

As of August, 26 out of 77 provinces had registered labor unions. At the end of March, the government reported 1,426 labor unions in the country.

The law requires unions to have 20 percent of workforce membership to bargain collectively. The law allows employees at workplaces without a union to submit collective demands if at least 15 percent of employees are listed as supporting that demand.

Employees in private enterprises with more than 50 workers may establish “employee committees” or “welfare committees.” Employee and welfare committees may offer employers suggestions regarding employee benefits and nonfinancial matters but may not submit labor demands or go on strike. The law prohibits employers from taking adverse actions against workers on these committees and from obstructing committee work. Union leaders often join employee committees to avail themselves of this legal protection.

A 2020 Ministry of Labor decree requires a labor dispute to be arbitrated by a Labor Relations Committee (LRC) consisting of representatives of employers, government, and workers groups. Unions may appeal LRC decisions to the Labor Court. NGOs claimed the decree was used politically to silence the labor movement. The government and certain union leaders viewed the decree to promote negotiation to find ways to prevent business closures and mass layoffs.

Since 2020 authorities charged Thanaporn Wichan, an advocate from the NGO Labor Network for People’s Rights, for advocating labor rights at political protests and for violating the LRC decree, over a dispute at the Brilliant Alliance Thai Global factory related to compensation for the termination of employment without legally mandated severance pay. In October 2021, Thanaporn was charged under the same decree after she accompanied seven migrant workers to submit a petition to the Department of Labor Protection and Welfare on the management of migrant workers and labor rights during the COVID-19 pandemic. The cases were pending as of the end of the year.

The law requires unions to call a general meeting and obtain strike approval from at least 50 percent of union members for any strike action. Unions claimed this constrained strike actions because many factories use shift workers, making it difficult to attain a quorum. The law prohibits termination of employment of legal strikers but permits employers to hire temporary workers or use contract workers to replace strikers.

The government may block private-sector strikes with national security implications or with negative repercussions on the population at large. Strikes and lockouts are prohibited at SOEs, and penalties for violations include imprisonment, fines, or both. A Ministry of Labor decree prohibiting employer lockouts and employee strikes to contain the COVID-19 outbreak was lifted on October 1.

The law protects employees and union members from criminal or civil liability for participating in negotiations with employers, initiating a strike, organizing a rally, or explaining labor disputes to the public, except where such activities cause reputational harm. Reputational damage charges were used to intimidate union members and employees, and employers used lawsuits to intimidate or silence critics in multiple instances.

Labor courts or the LRC may make determinations on complaints of unfair dismissals or labor practices and may require compensation or reinstatement of workers or union leaders with wages and benefits equal to those received prior to dismissal. Noncitizen migrant workers, whether registered or undocumented, do not have the right to form unions or serve as union officials. Migrants may join unions organized and led by Thai citizens. Migrant-worker participation in unions was low due to language barriers, weak understanding of legal rights, frequent changes in employment status, membership fees, restrictive union regulations, and segregation of citizen workers from migrant workers by industry and by zones (particularly in border and coastal areas) as well as due to migrants' fears of losing their jobs due to their support for a union. Unregistered associations, community-based organizations, and religious groups often represented the interests of migrant workers but had no legal standing to bargain with employers on their behalf. Migrant workers were sometimes elected to welfare and employee committees. NGOs reported few cases where migrant workers' collective demands were successful in effecting change, particularly along the border areas.

There were reports of workers dismissed for engaging in union activities, both before and after registration. Rights advocates reported that judges and provincial labor inspectors often attempted to mediate cases, even when labor rights violations requiring penalties had been found. In some cases, labor courts ordered workers reinstated but employers failed to comply. There were reports from unions and NGOs that employers attempted to negotiate terms of reinstatement after court orders were issued, offering severance packages for voluntary resignation, denying reinstated union leaders access to work, or demoting workers to jobs with lower wages and benefits.

Employers sometimes filed lawsuits against union leaders and strikers for trespass, defamation, and vandalism. Private companies also continued to pursue civil and criminal lawsuits against NGOs and journalists as well as workers (see section 2.a., Libel/Slander Laws). In September NGOs reported that Thammakaset, which operated poultry farms in Lopburi Province, filed at least 39 civil and criminal defamation cases against 23 human rights defenders, journalists, and former employees since 2016.

Police and other officials were at times complicit in suppressing labor activism. In August, a group of labor union activists reported that they were attacked by 20 to 30 men on motorbikes while protesting the government's Labor Relations draft bill and calling for the resignation of the prime minister. After police requested the group remove their signs, the men on motorbikes beat the activists without interference from police. NGOs and labor advocates reported incidents in which their staff members were followed or threatened by employers after they had been seen advocating for labor rights.

Labor law enforcement was inconsistent and sometimes ineffective in protecting workers who participated in union activities. Penalties included imprisonment, a fine, or both and were commensurate with those for other laws involving denials of civil rights; however, authorities rarely applied penalties against employers found guilty of labor violations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, except in the case of

national emergency, war, martial law, or imminent public calamity. The Anti-Trafficking in Persons Act specifically addresses “forced labor or services” and prescribes penalties of up to four years’ imprisonment. More severe penalties may be pursued if victims are seriously injured.

The government did not effectively enforce the law. NGOs assessed that the relatively low number of investigations and prosecutions for labor trafficking stemmed in large part from a lack of understanding of forced labor among officials and a lack of clarity on how to apply the law. Some observers reported officials often did not identify debt-based coercion, excessive overtime, or withholding of wages as indicators of labor trafficking.

There were reports that forced labor continued in commercial fishing and related industries, garment production, agriculture, manufacturing, domestic work, and street begging. Many workers paid high fees to brokers, recruitment agencies, and others before and after they arrived. Traffickers often used debt-based coercion, deceptive recruitment practices, retention of identity documents and bank cards, illegal wage deductions, physical violence, and other means to subject victims to forced labor.

Workers in the seafood processing and fishing sectors faced forced overtime because of increasing demand for shelf-stable seafood during the pandemic; they also faced unsafe working conditions (see section 7.e.). While NGOs acknowledged a decline in the most severe forms of labor exploitation in the fishing sector, reports of exploitation and indicators of forced labor persisted, and the number of crewmembers who went missing at sea continued to increase. Between 2020 and 2021, 230 fishermen died, went missing, or fell from fishing boats. In March, 18 men were rescued from a fishing ship after being forced to continue to work after their contract expired in November 2021. On May 30, two men who had been reported missing in 2020 were discovered by an Indonesian fishing boat after jumping from their ship and floating at sea for three days to escape forced labor.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods/>.

d. Discrimination with Respect to Employment and Occupation

The law imposes penalties of imprisonment or fines for anyone committing gender or gender-identity discrimination, including in employment decisions.

Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Penalties for gender discrimination were commensurate with those for laws related to civil rights, but the government did not effectively enforce its limited discrimination law. Penalties were rarely applied against violators. The law does not specifically prohibit discrimination in the workplace based on race, religion, national origin, color, ethnicity, disability, age, sexual orientation, or HIV status. Discrimination with respect to employment occurred against women (see section 6), persons with disabilities, LGBTQI+ persons, and migrant workers (see section 7.e.).

Women are prohibited from applying to the police academy and working underground, in mining, or in underwater construction; on scaffolding higher than 33 feet; and in production or transportation of explosive or inflammatory material. In 2021 the Coalition for Ethical and Sustainable Seafood in Thailand found female employees in seafood related industries earned 41 percent less than male employees.

The law requires workplaces with more than 100 employees to hire at least one worker with disabilities for every 100 workers. There were reports of collusion between employers and government officials to embezzle wages or loans that should be paid in full to employees with disabilities.

Members of the LGBTQI+ community faced frequent discrimination in the workplace, partly due to common prejudices and a lack of protective law and policies on discrimination. Transgender workers reportedly faced even greater

constraints, and their participation in the workforce was often limited to a few professions, such as cosmetology and entertainment.

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage varies by province; it was above the government-calculated poverty line in all provinces. It does not apply to employees in the public sector, SOEs, domestic work, and seasonal agricultural sectors. Regulations provide household domestic workers some protections regarding leave, minimum age, and payment of wages, but they do not address minimum wage, regular working hours, social security, or maternity leave.

The maximum workweek by law is 48 hours, or eight hours per day over six days, with an overtime limit of 36 hours per week. Employees engaged in “dangerous” work, such as the chemical, mining, or other industries involving heavy machinery, may work a maximum of 42 hours per week and may not work overtime.

Petrochemical industry employees may not work more than 12 hours per day but may work continuously for a maximum period of 28 days.

Occupational Safety and Health: The law established occupational safety and health (OSH) standards that are appropriate for the main industries. The law requires safe and healthy workplaces, including for home-based businesses. The law prohibits pregnant women and children younger than 18 from working in hazardous conditions. The law also requires employers to inform employees regarding hazardous working conditions prior to employment. The law does not grant workers the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.

In 2021 the Social Security Office reported 78,245 accidents or work-related diseases. The Social Security Office reported most serious workplace accidents occurred in construction. In 2021 media reported 230 fishery workers who died, went missing, or fell from fishing boats. Of the 230 cases, 53 workers died from falling overboard, 53 fell overboard and were found alive, and 124 remained “missing,” nearly double the number for 2020.

Ministry of Labor regulations provide for a workers compensation plan covering workplace accidents and injuries but do not cover vendors and domestic workers.

Labor union leaders reported that compensation for work-related illnesses was rarely granted because the connection between the health condition and the workplace was often difficult to prove.

Wage, Hour, and OSH Enforcement: The Department of Labor Protection and Welfare enforces laws related to wages, hours of work, labor relations, and OSH. Inspectors have the authority to make unannounced inspections and issue orders to employers to comply with the law. If an employer fails to comply with the order within a specified period, inspectors have a duty to refer the case for criminal law enforcement. The number of labor inspectors was insufficient to enforce compliance. Fines for wage, hour, and OSH violations were commensurate with those for similar crimes, such as fraud or negligence; however, their potential criminal penalties (imprisonment) were less than those for fraud or negligence. OSH experts actively identified unsafe work conditions, but the numbers of OSH experts and inspections were insufficient, however, with most inspections only taking place in response to complaints. The Ministry of Labor does not track the application of sanctions through the courts and did not have information related to whether penalties were applied against violators.

The law imposes fines and imprisonment for minimum wage noncompliance. The government did not effectively enforce minimum wage, overtime, and holiday-pay laws in small enterprises, in certain geographic areas (especially rural or border areas), or in certain sectors (especially agriculture, construction, and sea fishing).

Regulations on migrant labor limit the maximum charges for recruitment fees, but effective enforcement of the rules was hindered by the lack of documentary evidence regarding underground recruitment, documentation fees, and migration costs. According to a 2021 Department of Employment report, from October 2020 to June 2021, 287 individuals filed complaints against illegal agents or recruiters. Of these individuals, 223 were from the northeast region. The Department of Employment said there were 93 prosecutions of illegal agents or recruiters who lured 195 workers, with total damages of 17 million baht (\$491,000) awarded.

Firms used subcontract labor, where workers signed contracts with labor brokers, to evade regulations. By law businesses must provide such subcontract laborers “fair benefits and welfare without discrimination.” Employers, however, often

paid subcontract laborers lower wages and provided fewer or no benefits. On June 1, the government announced the formation of a special taskforce of labor investigators to inspect working conditions for subcontract workers.

NGOs reported that labor law enforcement was inconsistent, resulting in widespread cases of irregular or delayed payment of wages, illegal wage deductions, illegal recruitment fees for migrant workers, withholding of documents, and not providing written contracts in a language that workers understand.

On May 29, lingerie manufacturer Brilliant Alliance Thai Global agreed to pay 285.2 million baht (\$8.2 million) in severance pay to workers who were not paid severance and wages owed when the factory closed in 2020 due to financial losses caused by the COVID-19 pandemic.

The International Transport Workers Federation reported, based on surveys of fisheries workers in the country, that vessel inspections were not adequate to identify, report, and correct violations, which were widespread, and that mostly migrant fishing crewmembers were not interviewed privately or with interpretation. The federation said fishing crews faced widespread violations of law and regulations related to underpayment or delayed payment of wages, prolonged working hours, insufficient rest periods, and illegally prolonged duration of service at sea.

The Labor Protection in Fishing Work law requires workers in fisheries to have access to health care and social security benefits and for certain vessels to provide adequate living conditions for workers. As of October, key implementing regulations related to work hours and age limits were still pending. Government regulations require registered migrant fishery workers to buy health insurance and vessel owners to contribute to the workers' compensation fund. Fishery migrant workers holding a border pass were eligible for accident compensation.

The lack of OSH inspections, first aid kits, and OSH training in the migrant workers' language increased the vulnerability of fishery workers. An NGO survey found that contracts were not translated or explained in a language they could understand for approximately nine out of 10 foreign migrants working on fishing

boats in the country. The International Transport Workers Federation's crewmember survey on Thai fishing vessels reported widespread violations of OSH regulations, as well as illegally prolonged service at sea and restrictions on movement that enhanced the risk of COVID-19 exposure.

Informal Sector: According to government statistics, 54 percent of the country's 37.7 million labor force worked in the informal economy in 2021, with limited protection under labor law and the social security system. While the average monthly salary for employees in the formal sector was 15,154 baht (\$437), workers in the informal sector earned 6,853 baht (\$198) per month. The country provided universal health care for all citizens; social security and workers' compensation programs to insure employed persons in cases of injury or illness; and maternity, disability, death, child-allowance, unemployment, and retirement benefits.

NGOs reported that many construction workers, especially contracted or subcontracted workers and many migrant workers, were not in the social security system or covered under the workers' compensation program because their employers failed to register them or did not transfer the payments to the social security system.

Workers for mobile delivery applications such as "Grab" and "Line" were not protected under labor laws, as they were considered a "partner" rather than an employee. During the pandemic, demand for delivery workers increased and remained one of the few jobs available for low-wage workers.